

REMARKS

To facilitate entry of the amendments, Applicants enclose a substitute specification along with a copy of the original specification marked up to indicate where changes have been made (37 C.F.R. § 1.125 and MPEP 608.01(q)). In the marked-up version, deletions appear in brackets and additions appear as underlined text. Attorneys for Applicants submit concurrently herewith a Statement pursuant to 37 C.F.R. § 1.125 affirming that no new matter has been added, and that the Substitute Specification includes the same changes as are indicated in the marked-up copy of the Substitute Specification showing additions and deletions. Applicants submit that the instant response overcomes the outstanding objections to the specification and withdrawal of the objections is respectfully requested.

OBJECTION TO THE DISCLOSURE UNDER 37 C.F.R. § 1.163(a) AND 35 U.S.C. § 112, FIRST PARAGRAPH

The disclosure is objected to under 37 C.F.R. § 1.163(a) and 35 U.S.C. § 112, first paragraph, as allegedly not presenting a full, clear and complete botanical description of the plant and the characteristics that define and distinguish the plant from known cultivars for the reasons set forth in the Objection to the Disclosure Section. Applicants have amended the specification to incorporate additional features of the claimed strawberry variety in accordance with the Examiner's requests as follows:

A. Variety Denomination

The specification has been objected to under 37 C.F.R. § 1.1163(c)(5) and (d) for not stating the variety denomination under a separate heading. In response the specification has been amended at page 1, line 16 to recite the variety denomination under a separate heading. Thus, the rejection has been overcome.

B. Identification of 'Camarillo'

The specification has been objected to for improperly referencing the U.S. patent application for 'Driscoll Camarillo'. The specification has been amended at page 1, line 25 to recite application serial No. 10/077,153. Thus, the rejection has been overcome.

C. Identification of ‘Driscoll Coronation’

The specification has been objected to for improperly referencing the U.S. patent application for ‘Driscoll Coronation’. The specification has been amended at page 1, line 26 to recite application serial No. 10/619,692. Thus, the rejection has been overcome.

D. Distinguish from Parents

The specification has been objected to for allegedly not distinguishing the new variety from its parents. The specification has been amended at page 1, line 31 to describe differences between ‘Driscoll Jubilee’ and its paternal and maternal varieties. Thus, the rejection has been overcome.

E. Age and Growing Conditions

The specification has been objected to for allegedly not setting for the age and growing conditions of the plants. The specification has been amended at page 2, line 16 and page 2, line 29 to add description of the age and growing conditions. Thus, the rejection has been overcome.

F. Internal Fruit Color

The specification has been objected to for allegedly not setting forth the internal fruit color in a clear manner. The specification has been amended at page 1, line 31 to add description of the internal fruit color as “interspersed in a stripped manner.” The specification has also been amended to correct an inadvertent error in Table 1, page 4, line 6. The internal color of ‘Driscoll Jubilee’ 159D has been replaced with the correct color 155B (white). Thus, the rejection has been overcome by the amendment to the specification.

G. Fruiting Truss Length

The specification has been objected to for not setting forth the average fruiting truss length. Applicants invite the Examiner’s attention to Table 1, page 3 under Flower Characteristics where average fruiting truss length is set forth. To clarify the description, the specification has been amended at page 3, line 29 to add “average” Fruiting truss length. Thus, the rejection has been overcome by the amendment to the specification.

H. Fruit Harvest Interval

The specification has been objected to for not setting forth the fruit harvest interval. The specification has been amended at page 2, line 17 to recite the fruit harvest interval of

"twice weekly from May through October 2002." Thus, the rejection has been overcome by the amendment to the specification.

CONCLUSION

In light of the above-amendments and remarks, Applicants submit that all of the outstanding objections have been obviated or overcome and should be withdrawn.

Applicants further submit that the present claim is in form for allowance, and an early allowance is earnestly requested.

Respectfully submitted,

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Enclosures